

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

ANASCAPE, LTD.

Plaintiff,

v.

**MICROSOFT CORPORATION, and
NINTENDO OF AMERICA INC.,**

Defendants.

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Hon. Ron Clark

Civil Action No. 9:06-CV-00158-RC

**ORDER ON MOTION FOR SUMMARY JUDGMENT
OF NON-INFRINGEMENT OF ALL ASSERTED CLAIMS OF THE
'525 PATENT AND PARTIAL SUMMARY JUDGMENT OF
NON-INFRINGEMENT OF CLAIMS 1-11, 21, 26-29, AND 31 OF THE '700 PATENT**

Based upon the Court's consideration of Defendants Nintendo of America Inc.'s and Microsoft Corporation's Motion for Summary Judgment of Non-Infringement of All Asserted Claims of U.S. Patent No. 6,222,525 and Partial Summary Judgment of Claims 1-11, 21, 26-29, and 31 of U.S. Patent No. 6,906,700, Plaintiff, Anascape, Ltd.'s Stipulation Regarding the Claim Term 'Flexible Membrane Sheet'" dated February 11, 2008, and the briefing of all parties and all supporting submissions thereon, it is the opinion of the Court that Defendants' motion should be GRANTED.

It is therefore ORDERED that Defendant Nintendo of America Inc.'s Motion for Summary Judgment of Non-Infringement of All Asserted Claims of U.S. Patent No. 6,222,525 and Partial Summary Judgment of Claims 21, 26, 27 and 31 of U.S. Patent No. 6,906,700 is hereby GRANTED; and

It is further ORDERED that Defendant Microsoft's Motion for Summary Judgment of Non-Infringement of All Asserted Claims of U.S. Patent No. 6,222,525 and Partial Summary Judgment of Claims 1-11, 26-29 and 31 of U.S. Patent No. 6,906,700 is hereby GRANTED.